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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO		
10/602,904	(06/24/2003	George Miley	22045-28	2177		
52450	7590	10/26/2006		EXAM	EXAMINER		
KRIEG DE	VAULT	LLP	PASCHALL, MARK H				
ONE INDIA	•	ARE		ART UNIT	PAPER NUMBER		
SUITE 2800			ARTONII	PAPER NUMBER			
INDIANAPOLIS, IN 46204-2079				3742			

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		1	JT				
	Application No.	Applicant(s)					
Advisory Action	10/602,904	MILEY ET AL.	IILEY ET AL.				
Before the Filing of an Appeal Brief	Examiner	Art Unit					
	Mark H. Paschall	3742					
The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence add	iress				
THE REPLY FILED <u>04 October 2006</u> FAILS TO PLACE THIS A		-					
1. The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliant time periods:	wing replies: (1) an amendment, aft otice of Appeal (with appeal fee) in a ce with 37 CFR 1.114. The reply ma	fidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)				
a) The period for reply expires <u>3</u> months from the mailing date							
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I	eply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In ver, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.						
Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	(b). ONLY CHECK BOX (b) WHEN THE						
Extensions of time may be obtained under 37 CFR 1.136(a). The date nave been filed is the date for purposes of determining the period of exampler 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	on which the petition under 37 CFR 1.1 tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The approprinally set in the final Offi	iate extension fee ice action; or (2) as				
2. The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter a Notice of Appeal has been filed, any reply must be filed	ension thereof (37 CFR 41.37(e)), to	avoid dismissal of th	hs of the date of ne appeal. Since				
AMENDMENTS 3. The proposed amendment(s) filed after a final rejection.	had to all the control of						
 The proposed amendment(s) filed after a final rejection, (a) They raise new issues that would require further co 			ecause				
(b) They raise the issue of new matter (see NOTE below	ow);						
(c) They are not deemed to place the application in be appeal; and/or	tter form for appeal by materially re	ducing or simplifying	the issues for				
(d) They present additional claims without canceling a	corresponding number of finally rej	ected claims.					
NOTE: (See 37 CFR 1.116 and 41.33(a)).							
The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324) Applicant's reply has overcome the following rejection(s): Claims 10,12,14-16,45,48-50. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment cancelin							
							non-allowable claim(s).
7. To purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed:	☐ will not be entered, or b) ☐ will will will will will will will wi	ll be entered and an e	explanation of				
Claim(s) objected to: Claim(s) rejected:							
Claim(s) rejected: Claim(s) withdrawn from consideration:							
AFFIDAVIT OR OTHER EVIDENCE							
3. The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).	ut before or on the date of filing a No d sufficient reasons why the affiday	otice of Appeal will <u>no</u> rit or other evidence is	ot be entered s necessary and				
The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appea y and was not earlier presented. S	al and/or appellant fa ee 37 CFR 41.33(d)(ils to provide a 1).				
10. The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	on of the status of the claims after e	ntry is below or attacl	hed.				
1. The request for reconsideration has been considered by	it does NOT place the application is	n condition for allows	nce hecause.				

Mark H Paschall Primary Examiner Art Unit: 3742

13. Other: See Continuation Sheet.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).

Continuation of 13. Other: Claims 10,12,14-16,45 and 48-50contain allowable subject matter and would be allowable if placed in correct independent format and submitted in response to this action..

Mark Paschall Primary Examiner